

REMARKS

A. The Status of the Claims and the Amendments

Claim 1 has been amended. The Applicants acknowledge the fact that claims 1-18 (group I) have been elected with traverse. Claims 19-71 have been withdrawn from consideration as non-elected. Accordingly, claims 1-18 are currently under consideration. The amendments merely clarify the language of claim 1 and harmonize the language of the claim with the specification. Particularly, newly added limitation "each reagent container containing a liquid reagent" is disclosed in paragraph [0050], page 14 of the specification, as originally filed, and also shown on FIG. 4 (designated as numeral 50). The newly added limitation "the liquid reagents contained in each reagent container are subjected to permanent elevated pressure" is also disclosed in paragraph [0050], page 14 of the specification. Accordingly, it is submitted that the amendments do not introduce any new matter.

B. Rejections Under 35 U.S.C. § 103(a)

Claims 1-6 and 8-18 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Downs et al. (U.S. Patent Application No. 2002-0153055) (item 14, page 6 of the Office Action). Claim 7 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Downs et al. in view of Peck et al. (U.S. Patent Application No. 2002-0176811) and/or in view of Krug et al. (U.S. Patent Application No. 2004-0014238) (item 15, page 7 of the Office Action). These rejections are respectfully traversed on the following grounds.

It is well established law that to establish a *prima facie* case of obviousness, the following three basic criteria must be met: (1) there must be some suggestion or motivation to modify the reference as proposed by the Examiner; (2) there must be a reasonable expectation of success and (3) the prior art reference must teach or suggest all of the claim limitations. The Applicants

respectfully submits that after Downs et al. is modified as proposed by the Examiner, the modified reference fails to teach or suggest all the limitations of claim 1, as amended.

Indeed, claim 1, as amended, requires that “the liquid reagents contained in each reagent container are subjected to permanent elevated pressure.” Downs et al. teach that the fluids are pumped from a fluid reservoir into a fluid dispenser via a fluid conduit (paragraph [0016]). Downs et al. fail to disclose that the liquids dispensed by their apparatus are under pressure when they are in the reservoir. The Examiner is correct in observing that Downs et al. do use a pump which is the pressurization source. However, Downs et al. use the pump for moving the fluid through the fluid conduit, not for subjecting the fluid to permanent elevated pressure, while the fluid is in the reservoir prior to being dispensed.

With respect to claim 7, Downs et al. teach what is described above failing to disclose that the liquids dispensed by their apparatus are under pressure when they are in the reservoir. Neither Peck et al. nor Krug et al. cure this deficiency. Peck et al. and Krug et al. describe using gas pressure to pump the fluid, but do not provide an embodiment where the fluid is pressurized prior to being pumped.

Accordingly, claim 1 is patentably distinguishable over Downs et al. Each of claims 2-6, and 8-18 directly or indirectly depends on claim 1. Consequently, each of claims 2-6, and 8-18 is patentably allowable for at least the same reason. Claim 7 is patentably distinguishable over Downs et al. in view of either Peck et al. or Krug et al. Reconsideration and withdrawal of the rejection of claims 1-18 under 35 U.S.C. §103(a) are, therefore, respectfully requested.

C. Objection to Drawings Under MPEP § 608.02(g)

The Examiner required the Applicants to amend FIGs. 1A and 1B, by providing the replacement drawings sheet labeled “--Prior Art--” (item 9, page 4 of the Office Action). The Applicants respectfully provide such a replacement sheet herewith. Accordingly, the withdrawal of the objection is respectfully requested.

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CONCLUSION

In view of the foregoing, it is submitted that all the pending claims are in condition for allowance. Accordingly, reconsideration and favorable action on all the claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

No fee is believed due in connection with this response. In the event that a fee is due, the Commissioner is hereby authorized to charge any amounts required by this filing, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,



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Amendment to the Drawings:

The attached sheet of drawings includes changes to Fig. 1A and 1B, adding the legend – PRIOR ART – below the figure numbers. This replacement sheet, which includes Figs. 1A and 1B, replaces the original sheet filed with the application.

Attachment: Replacement Sheet